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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,812	12/30/2003	Jyrki Hoisko	879A.0018.U1(US)	9368
29683	7590	09/19/2005	EXAMINER	
HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			SHEDRICK, CHARLES TERRELL	
			ART UNIT	PAPER NUMBER
			2687	
DATE MAILED: 09/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/749,812	HOISKO, JYRKI	
	Examiner	Art Unit	
	Charles Shedrick	2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/30/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 11 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claims 11, claims the non-statutory subject matter of a program. Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1754 (claim to a data structure per se held

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nonstatutory). Therefore, since the claimed programs are not tangibly embodied in a physical medium, encoded on a computer-readable medium and clearly recited as a computer program then the Applicants has not complied with 35 U.S.C 101.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims **1-10** are rejected under 35 U.S.C. 102(b) as being anticipated by **Rankin WO 02/13555 A2**.

Consider **claim 1**, Rankin clearly show and disclose a method for providing information to a user in a system that comprises a first electronic device (300) **1 (figure 1)** and a second electronic device (400) **10 (figure 1)**(**abstract, page 2 line 24- page 3 line 18**), said second electronic device (400) comprising means for providing at least one control signal to said first electronic device (300) (**page 3 lines 19 –21**), said first electronic device (300) comprising receiving means (314) (**page 2 lines 27-29**) for receiving said control signal, a storage medium (303) for storing information (**page 3 lines 15-18**), providing means (309) (**page 4 lines 12 –18**) for providing said information to the user and, characterized in that the method comprises of steps where the user places the first electronic device (300) at a distance from the second electronic device (400) for causing the first device to activate the receiving means (101), the first device detects the control signal and compares it with signal codes stored in the first electronic device (102, 103, 104) and the first device performs at least one command on the basis of the

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comparison (105) (**page 4 lines 1-25, page 7 lines 18-32, page 12 lines 25 – page 13 line 2**).

Consider **claim 2** and as **applied to claim 1 above**, Rankin clearly discloses a method, characterized in that the first device (300) **1 (figure 1)** further comprises a calendar application (**page 6 lines 20-21**) and that the first electronic device performs at least one command causing the first electronic device to retrieve and provide information to the user from the calendar application (**page 2 - page 3 line 24**).

Consider **claim 3** and as **applied to claim 1 above**, Rankin clearly discloses a method, characterized in that the first device (300) **1 (figure 1)** further comprises a phonebook application (**page 17 lines 8-20**) and that the first electronic device performs at least one command causing the first electronic device to retrieve and provide information to the user from the phone book (**page 2 - page 3 line 24**).

Consider **claim 4** and as **applied to claim 1 above**, Rankin clearly discloses a method, characterized in that the control signal is one of the following: an ascii code, a command of a computer language, a command of a scripting language or a native binary executable command (**page 4 line 30 –page 5 line 29, page 8 lines 1-5**).

Consider **claim 5**, Rankin clearly show and disclose a electronic device (300) **1 (figure 1)** for providing information to a user (**page 3 lines 8- 15, page 6 lines 1-32**), the device comprising a storage medium (303) for storing information, providing means (309) (**page 3 lines 15-18**), for providing said information to the user, characterized in that the electronic device (300) further comprises receiving means (314) (**page 2 lines 27-29**) for receiving a control signal, linking means (306) for linking at least one control signal stored in the electronic device to at least one command, which is executed in the electronic device, detecting means for

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detecting (307) the received control signal and comparing the received control signal with signal codes being linked and stored in the electronic device and performing means (301, 302) for performing at least one command on the basis of said comparison (**page 4 lines 1-25, page 7 lines 18-32, page 12 lines 25 – page 13 line 2**).

Consider **claim 6** and **as applied to claim 5 above**, Rankin clearly discloses a electronic device **1 (figure 1)** characterized in that the receiving means (314) are arranged to receive the control signal wirelessly as a radio frequency signal (**page 3 lines 18-21, page 6 lines 9 - 22**).

Consider **claim 7** and **as applied to claim 5 above**, Rankin clearly disclose an electronic device **1 (figure 1)** characterized further comprises a calendar application (**page 6 lines 20-21**) and that the performing means (301, 302) are arranged to perform at least one command causing the electronic device to retrieve and provide information to the user from the calendar application (**page 2 - page 3 line 24**).

Consider **claim 8** and **as applied to claim 5 above**, Rankin clearly disclose an electronic device **1 (figure 1)** characterized further comprises a phonebook application (**page 17 lines 8-20**) and that the performing means (301, 302) are arranged to perform at least one command causing the device to retrieve and provide information to the user from the phone book (**page 2 - page 3 line 24**).

Consider **claim 9** and **as applied to claim 5 above**, Rankin clearly disclose an electronic device **1 (figure 1)** characterized in that the performing means (301, 302) are arranged to provide the information as at least one of the following: audible information or visual information (**page 6 line 9 –18**).

Consider **claim 10** and **as applied to claim 5 above**, Rankin clearly disclose an

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electronic device **1 (figure 1)** characterized in that the electronic device is a wireless communication device operating in a wireless communication network (**page 6 line 9 –18**).

Consider **claim 11**, Rankin clearly show and disclose a computer program product **21 (i.e., reader)(figure 2)** for an electronic device (300) for providing information to a user, the device comprising a storage medium (303) (**page 3 line 15-18**) for storing information, providing means for providing said information to the user, and receiving means (314) (**page 2 lines 27-29**) for receiving a control signal, characterized in that the computer program product comprises computer program code for causing the electronic device (300) to detect the control signal and compare the control signal with signal codes linked and stored in said electronic device and, computer program code for causing the electronic device (300) to perform at least one command on the basis of the comparison (**page 4 lines 1-25, page 7 lines 18-32, page 12 lines 25 –page 13 line 2**).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shteyn et al. **U.S. Patent # 6782253**.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Shedrick whose telephone number is (571)-272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid Lester can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Shedrick
AU 2687
September 7, 2005


RAFAEL PEREZ-GUTIERREZ
PRIMARY EXAMINER
9/15/08